

Location **Al-Murtaza 58 The Bishops Avenue London N2 0BE**

Reference: **20/2008/S73** Received: 30th April 2020
Accepted: 1st May 2020

Ward: Garden Suburb Expiry 31st July 2020

Applicant: Mr Anil Varma

Proposal: Variation of condition 1 (Approved Plans) pursuant to planning permission 19/3449/FUL dated 30/01/2020 for `Partial demolition of the existing building (use class C3) and construction of a part 4 storey (3 above ground), part 2 storey building with accommodation in the roof space and basement car parking, to provide an elderly care home (use class C2) with up to 96 units and associated communal areas, amenity space, refuse/ recycling storage and cycle storage. Provision of 32 no. off-street parking spaces within the basement, accessed via car lifts, and six further spaces above ground. ` Amendments include: Taking down and rebuilding of the previously retained front façade; Alterations to building footprint and envelope resulting in overall reduction in floor area above ground; Increase of parapet level of rear wing to reduce impact on tree RPAs; Internal reconfiguration of floor plans; Addition of Passenger lift; Addition of open stair between Ground Floor to Lower Ground Floor; Omission of escape stair; Changes to fenestration to suit daylighting requirements; replacement of Juliette balconies/balustrading with normal casement windows for operational reasons; addition of Brises soleil to south-facing courtyard elevation to improve environmental performance; External render replaced with reconstituted stone facing and other changes to the typical bay detail; Gateways to The Bishops Avenue widened to accommodate delivery vehicles, ambulances and private refuse collection from within the site; Addition of external substation, generator, covered cycle store, refuse store and buggy store.

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Deed of Variation

Additional highways work to include works to the site access are to be carried out under Section 184 of the Highways Act (1980) for the proposed vehicular access. A 4.2m crossover is to be installed with the adjacent footprints to be strengthened for minor over-run. A Stage 2 Road Safety Audit will be required to be submitted as part of the S184 agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

AA8336-2001 (Location Plan)
AA8336-2002 (Existing Site Plan)
AA8336-2003 (Existing Floor Plans & Elevations)

AA8336-2005 (Proposed Block Plan)
AA8336-2006 (Proposed Basement)
AA8336-2007 (Proposed Lower Ground Floor Plan)
AA8336-2008 (Proposed Ground Floor Plan)
AA8336-2009 (Proposed First Floor Plan)
AA8336-2010 (Proposed Second Floor Plan)
AA8336-2011 (Proposed Roof Plan)
AA8336-2012 (Proposed Elevations)
AA8336-2013 (Proposed Sections)

AA8336-2014 (Bay Study)
AA8336-2020 (Demolition Plans)

AA8336-2030 (Footprint comparison & minor changes - Basement)
AA8336-2031 (Footprint comparison & minor changes - Lower Ground Floor)
AA8336-2032 (Footprint comparison & minor changes - Ground Floor)
AA8336-2033 (Footprint comparison & minor changes - First Floor)
AA8336-2034 (Footprint comparison & minor changes - Second Floor)
AA8336-2035 (Profile Comparison - Elevations)
AA8336-2036 (Profile Comparison - Sections)

AA8336-2037 (Outbuildings)

336-0860 E (Installation Composite)

B19108 101G (Landscape Masterplan)
B19108 303 (Landscape Hard Details Retaining wall and steps along The Bishops Avenue)
Modular Acoustic Enclosures 24-220 kVA Range, FG Wilson

Addendum to Energy & Sustainability, Mecserve Ltd (dated February 2020)
Arboricultural Report, Tim Moya Associates (dated April 2020)
Construction Method Statement, Clark Smith Partnership (dated March 2020)
Design & Access Statement Addendum, PRP (dated April 2020)
Delivery and Servicing Plan, Peter Evans Partnership (dated April 2020)
Heritage Statement, Barton Willmore (dated April 2020)
Foul and Surface Water Drainage Scheme Report, Clark Smith Partnership (dated March 2020)
Planning Statement, Barton Willmore LLP (dated April 2020)
Refuse and Recycling Collection Strategy (Peter Evans Partnership (dated April 2020)
Report on Facade Retention, PRP (dated May 2020)
Travel Plan (Peter Evans Partnership (dated April 2020)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of the original permission (application reference: 19/3449/FUL) dated 30.01.2020.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

5 a) No development or site works shall take place on site until a 'Demolition Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from demolition works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors' compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of demolition;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of demolition phase of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 a) Following demolition, no further site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;

- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors' compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction phases of the development.

- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces including disabled spaces within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 Prior to the commencement of development (including demolition, site clearance and ground works), a Stage 1 and Stage 2 Road Safety Audit shall be undertaken in relation to the proposed car park and vehicular access on The Bishops Avenue. The results of the audit shall be submitted to and approved in writing by the Local Planning Authority. Any necessary works identified within the audit shall thereafter be fully implemented prior to the first occupation of any part of the development.

Reason: In the interest of highway/pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Planning Authority.

Reason: Details are required to be submitted prior to the commencement of development to provide a record baseline assessment of the condition of the highway in the interest of highway safety.

- 10 Prior to occupation, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 20 cycle parking spaces (5 long stay and 15 short stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 Prior to the practical completion of the entire approved development, a Car Park Management Plan detailing the allocation of car parking spaces, all on-site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason: To ensure that parking is provided and managed at the development in the interests of highway safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

- 13 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 80% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

- 14 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy 7.15 of the London Plan 2016.

- 15 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 16 No demolition or development shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the local planning authority. In preparing the AQMDP the applicant should follow the guidance on mitigation measures for sites set out in

Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included. If the development is located in or near an air quality focus area the applicant should follow the guidance on mitigation measures for Medium Risk as a minimum.

Reason: Development must not commence before this condition is discharged to manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment (London Plan policies 5.3 and 7.14, and the London Plan SPGs for Sustainable Design and Construction and Control of Dust and Emissions during Construction and Demolition).

- 17 The level of noise emitted from the installed plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 18 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 19 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the

development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 20
- a) A detailed landscaping and tree management plan, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping for the first five years and a Landscape Management Plan for all landscaped areas for a further period of 25 years, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
 - d) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 21
- The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 19 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 22 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.
- b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.
- c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 23 A) No development other than demolition work shall take place unless and until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority.

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Signature dated September 2018 and shall also include:

- storage calculations for the attenuation flows and flow restriction methods
- The details shall incorporate appropriate drainage control to deal with the above excess flow conditions

B) The development hereby approved shall not be first occupied or brought into use until the drainage works and features approved under this condition have been implemented in their entirety.

Reason- To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy adopted September 2012, the Sustainable Design and Construction SPD adopted October 2016 and Policies 5.13 and 5.14 of the London Plan 2016, and London Borough of Barnet Surface Water Management Plan Volume 1. 'New developments should demonstrate that during events that exceed the design capacity of the surface water drainage system excess water is safely stored or conveyed from the site without adverse impacts.

- 24 Prior to the occupation of the development hereby approved, an External Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The External Lighting Assessment submitted shall detail the existing average night time luminance and light spread levels across the application site at night, identify the levels of light pollution received at the windows to residential properties within proposed development and, where appropriate, identify the measures to be used to mitigate the impacts of light pollution on the future occupiers proposed dwellings as well as mitigate any impacts to species including bats. Any light pollution mitigation identified in the External Lighting Assessment shall be implemented in full prior to occupation of the relevant phase.

Reason- To ensure the development provides adequate amenities of the future occupiers of the building and neighbouring residents and to accord with policy DM01 of the Barnet Local Plan.

- 25 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 26 a) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 27 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 28 Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the approved development, details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the each phase or block within the development.

Reason: To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

- 29 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 36.5% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 30 The premises shall be used for a care home facility and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning Use Classes Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason- To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 31 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 32 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 33 Prior to any demolition works in connection with the development hereby permitted, a detailed measured and photographic survey of the existing building shall be undertaken and submitted to the Local Planning Authority. The survey shall include details of the siting, layout, footprint, external elevations and any unusual original features of the existing building. The photographic viewpoints must be clearly annotated on a plan to accompany the survey.

Reason: To ensure that a historic record of the building is made so that it can accurately inform the rebuild element of the approved development.

- 34 a) Prior to any demolition works in connection with the development hereby approved, a method statement detailing, how the existing materials (roof tiles, tile hung external walls, facing brickwork, windows and decorative features) are to be dismantled, surveyed and cleaned if possible for the re-use of rebuilding of the front facade, is to be submitted and approved in writing by the Local Planning Authority.

b) Following the dismantling of the existing features / materials and prior to the rebuilding of the front facade, the analysis survey of the existing materials are to be submitted and approved in writing to the Local Planning Authority which details which materials are of a high quality that enable their re-use within the approved development.

c) Where there are insufficient existing materials that cannot be salvaged as they are damaged or of a poor condition, samples of equivalent materials are to be sought and submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable level of existing historic materials are retained and re-used where possible, to ensure preservation and enhancement of the historic non-designated and designated assets.

- 35 a) Prior to any works in to the front boundary treatment in connection with the development hereby approved, a full structural survey, detailing the condition of the existing boundary wall and railings shall be undertaken. Where the survey indicates that sections of the wall are in poor condition and require to be made good or taken down and rebuilt, a detailed mitigation strategy for the making good /rebuilding of the identified sections of the boundary treatment shall be submitted for approval to the Local Planning Authority.

b) The works shall be implemented in full accordance with the information approved under this condition.

Reason: In the interest of the visual amenities of the conservation area.

RECOMMENDATION III:

- 1 That if the above deed of variation has not been completed and submitted by 31.08.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to mitigate the impacts of the proposed development and it is therefore considered that it

would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application

for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 7 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW, 4- 6 weeks before the start of works on the public highways.
- 8 For any proposal for new crossovers or modification to the existing crossovers, a separate crossover/access application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

The applicant is advised that the permitted maximum width for a residential crossover is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 9 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 10 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 11 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

- 12 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 13 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:

- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.

- The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

14 The AQDMP can form part of the Construction Environmental Management Plan (CEMP). The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and track out):

- a) A summary of work to be carried out;
- b) Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
- c) Inventory and timetable of all dust and NO_x air pollutant generating activities;
- d) List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
- e) Details of any fuel stored on-site;
- f) Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
- g) Summary of monitoring protocols and agreed procedure of notification to the local authority; and
- h) A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

Developments assessed to be medium risk or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM₁₀ monitoring should be carried out on site. Baseline monitoring should commence 3 months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during high pollution episodes and a proposed alert system should be submitted to the Council for approval.

No demolition or development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM "Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites" details appropriate monitoring for the scale of the site or project.

Officer's Assessment

This application is being referred to the Finchley and Golders Green Area Planning Committee as the proposal relates to the demolition of a building on the Council's Local List.

1. Site Description

The application site is located on the western side of The Bishops Avenue and lies within the Hampstead Garden Suburb, The Bishops Avenue Conservation Area (HGSTBA Conservation Area). The total area of the site is approx. 0.66 hectares.

The site comprises of a detached two storey single family dwelling house which is designated as a Locally Listed Building. It is constructed in red brick with a clay tile pitched roof. The property has been altered and extended over the years, particularly to the rear, where there is a large single storey rear extension.

The Bishops Avenue Conservation Area Statement states that the site falls within Zone 4 of the Conservation Area. This zone is characterised as:

"Zone 4 includes all the locally listed properties. In summary, this part of The Bishop's Avenue is characterised by relatively secluded properties which, although substantial, retain a domestic and human scale through the scale and design of their components and their relationship to gardens and trees.

The site is described within the Statement as follows: *Kenmore (now Murtaza). 1896. Locally listed. Remodelled in 1905 in Old English 'Domestic Style' after Norman Shaw. Tile hung and half-timbered gables as at Dane Court. Extended and altered including vast unsympathetic porte cochere.*

The site is extensively covered by a large number of trees of varying value. The site is subject to both individual and group Tree Preservation Orders (TPO).

2. Site History

Reference: 19/3449/FUL

Address: Al-Murtaza, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved following legal agreement

Decision Date: 30.01.2020

Description: Partial demolition of the existing building (use class C3) and construction of a part 4 storey (3 above ground), part 2 storey building with accommodation in the roof space and basement car parking, to provide an elderly care home (use class C2) with up to 96 units and associated communal areas, amenity space, refuse/ recycling storage and cycle storage. Provision of 32 no. off-street parking spaces within the basement, accessed via car lifts, and six further spaces above ground

Reference: F/01137/12

Address: 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 14.05.2012

Description: Extension to the time limit for implementing planning permission F/01061/09 granted 22/05/09 for Partial demolition of existing house. (Renewal of conservation area consent C02242P/06 dated 21/12/06)

Reference: F/01066/12

Address: 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 14.05.2012

Description: Extension to the time limit for implementing planning permission F/01060/09 granted 22/05/09 for Restoration and extension following partial demolition of existing house. (Renewal of planning permission C02242N/06 dated 21/12/06).

Reference: F/04426/11

Address: Al-Murtaza, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 06.01.2012

Description: Installation of 3no. externally non-illuminated Fascia sign and 1no Hoarding.

Reference: F/01061/09

Address: Kenmore House, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 22.05.2009

Description: Partial demolition of existing house. (Renewal of conservation area consent C02242P/06 dated 21/12/06)

Reference: F/01060/09

Address: Kenmore House, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 22.05.2009

Description: Restoration and extension following partial demolition of existing house. (Renewal of planning permission C02242N/06 dated 21/12/06)

Reference: C02242P/06

Address: Kenmore House, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 21.12.2006

Description: Partial demolition of existing house.

Reference: C02242N/06

Address: Kenmore House, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 21.12.2006

Description: Restoration and extension following partial demolition of existing house.

Reference: C02242M/04

Address: Kenmore House, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 15.11.2004

Description: Partial demolition of existing dwelling house.

Reference: C02242L/04

Address: Kenmore House, 58 The Bishops Avenue, London, N2 0BE

Decision: Approved subject to conditions

Decision Date: 15.11.2004

Description: Two-storey rear and side extensions. New roof and ground floor side addition to existing rear projection. Ground floor front extension. Conversion of garages to habitable rooms. Formation of basement car park beneath existing rear projection.

3. Proposal

The application seeks to vary condition 1 (Plans) of planning permission reference 19/3449/FUL dated 30.01.2020 for ` Partial demolition of the existing building (use class C3) and construction of a part 4 storey (3 above ground), part 2 storey building with accommodation in the roof space and basement car parking, to provide an elderly care home (use class C2) with up to 96 units and associated communal areas, amenity space, refuse/ recycling storage and cycle storage. Provision of 32 no. off-street parking spaces within the basement, accessed via car lifts, and six further spaces above ground.'

The application seeks the following amendments:

- Taking down of the front façade and rebuilding it to closely reflect the location, footprint and appearance of the existing building, re-using any good salvaged materials where possible;
- Amendments to building footprint and envelope resulting in overall reduction in floor area above ground;
- Parapet level of rear wing raised to reduce impact on tree RPA's;
- Internal reconfiguration of floor plans to suit the applicant's operational requirements;
- Passenger lift added;
- Open stair added between Ground Floor to Lower Ground Floor;
- Escape stair omitted since not required for Building Regulations;
- Changes to fenestration to suit applicant's daylighting requirements;
- Juliette balconies/balustrading replaced by normal casement windows for operational reasons;
- Brises soleil added to south-facing courtyard elevation to improve environmental performance;
- External render replaced with reconstituted stone facing and other changes to the typical bay detail;
- Gateways to The Bishop's Avenue widened to accommodate delivery vehicles, ambulances and private refuse collection from within the site;
- Potential sections of the front boundary wall to be taken down subject to structural report and rebuilt; and
- Substation, generator, covered cycle store, refuse store and buggy store added externally.

4. Public Consultation

Consultation letters were sent to 65 neighbouring properties.

4 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- Already a few apartment buildings and nursing homes available on this road which make it quite crowded, unsafe and undoubtedly had increased lots of traffic, lack of security, noise, pollution and so many other negative issues;
- Increase in more families or individuals with constant visitors and guests;
- Atmosphere, quietness, prestige and value of the road will be completely destroyed and residential area will be changed to a commercial area;
- Lack of emergency services access to the west of the site;
- Overlooking over west wing towards Winnington Road;
- Inadequate landscape measures to retain the earth and embankment along the western edge;

- concerns relating to the proposed surface and foul water drainage proposals;
- concern relating to the proposed density and crowding of the site.

Internal Consultees

Arboricultural Officer

The location of the proposed generator and sub-station will impact on existing trees.

Conservation and Design

Consent was granted in 2019 for a significant amount of demolition of the existing building, retaining the front façade only, as part of a vast new care home development. Objections were previously raised to that scheme on the grounds that it would be harmful to the locally listed building and to the conservation area. Permission was nevertheless approved.

The current proposal seeks the removal of the remainder of the building other than for brickwork up to damp proof course level.

I raise objection to the total loss of this locally listed building which is contrary to Policy DMO6, which indicates a presumption in favour of their retention. The evidence submitted does not demonstrate that the building is completely beyond repair and restoration, despite its recent neglect.

The demolition will diminish the character of the conservation area by the loss of one its oldest buildings. The replacement building, of which only the façade will be similar in style to the existing building, will otherwise be a large, modern development completely out of keeping in scale and design from the remaining historic buildings within this part of the Avenue. It will be at odds with its neighbours and will undermine the Conservation Area status of The Bishops Avenue. Simply, it fails the test of preserving or enhancing the character or appearance of the conservation area.

Ecology

We are satisfied that the applicant has previously provided sufficient information in order to determine the application, based on the additional information provided in 190431-ED-03 TMA Ecological Survey Report. We are satisfied that the scheduled alterations have no additional implication on biodiversity and the obligations, under the enhancement of biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006.

Environmental Health

No further comments to make on this application.

Local Lead Flood Authority

No comments to make.

Traffic and Development

Satisfied with the information submitted. The proposed works to the crossover are required to be secured via a S106 agreement.

External Consultees

Greater London Archaeological Advisory Service (GLAAS)

No further comments to add from original application.

Historic England

On the basis of the information available to date, we do not wish to offer any comments.

Metropolitan Police (Secure by Design)

I do not wish to object to the proposal, but if planning is approved, I would respectfully request the inclusion of a planning condition whereby this development must achieve Secured by Design accreditation, prior to occupation.

Transport for London (TfL)

TfL has no objection to this planning application, providing the construction work and operation of the home does not impact on the operation of bus services.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11, CS13, CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM4, DM06, DM07, DM08, DM10, DM16, DM17

Supplementary Planning Documents

Delivering Skills, Employment, Enterprise and Training from Development through S106 (2014)

Green Infrastructure (2017)

Planning Obligations (2013)

Residential Design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

The Bishops Avenue Character Appraisal

5.2 Main issues for consideration

The main issues for consideration in this case are whether the proposed amendments would cause harm:

- To the character and appearance of the existing locally listed building, the street scene and the conservation area;
- To the living conditions of neighbouring residents;
- To the provision of adequate accommodation for future occupiers;
- In relation to highways and parking; and
- To trees, ecology and landscaping;

5.3 Assessment of proposals

On 30 January 2020, the Council granted permission under application reference 19/3449/FUL for the partial demolition of the existing building (in C3 use) and the construction of new extensions to provide an elderly care home (Use Class C2) with up to 96no. units.

That application approved the demolition of the majority of the footprint / fabric of the existing building, including the large newer extension to the rear and the removal of front porte cochere. The proposal amongst other elements, included the retention of the front façade. Officers acknowledged that harm would be caused through the demolition of large parts of the non-designated heritage asset, and less than substantial harm to the conservation area but considered that the proposed benefits would outweigh the harm through the provision of a high-quality scheme both in architectural terms and the provision of a care facility.

Since this approval, Signature Senior Lifestyle, a specialist care home operator, have carried out a detailed assessment of the approved scheme and have identified several essential and necessary minor amendments that need to be made to the approved drawings in order to successfully deliver and operate the approved development.

The proposal is essentially split into two elements: 'front façade removal' and 'other elevational and internal changes.'

Front Façade Removal

No.58 The Bishops Avenue

Within the original application, the proposal sought to retain the existing front façade with the remaining building elements being demolished. Within the applicant's submission, it states that a detailed assessment has been undertaken and revealed that there are inherent difficulties in doing this, with several errors on the approved plans which make it problematic to construct, fit out and operate in its current form. Most principally, the difficulties lie in retaining the existing façade and constructing the wider elevation.

In the submitted supporting 'Report on Façade Retention' summarises the following issues on the plan to implement the retention:

- The extent of approved demolition to the main roof will require the roof structure to be replaced;
- The extent of approved demolition to the north end of the front façade will leave the north gable unsupported and it will need to be replaced. This gable on the approved plans is also shown significantly larger than existing so would need to be replaced for this reason also;
- On the approved plans the size and configuration of dormers and some of the windows is changed from existing and will involve elements of re-building.

In addition, it can be seen from the site photos, that previous occupiers have heavily altered and extended the property, with a considerable deterioration of the existing materials, some through alterations / repairs to the building over time.

The applicant is committed to the design and existing external appearance and as such is proposing an alternative approach by carefully surveying and taking down the front façade (down to the damp course level leaving the first few courses of brick and foundations) and then rebuilding the façade in exactly the same location to faithfully reflect the historic character and appearance of the building. To ensure this the applicant is proposing to undertake a detailed measured and photographic survey of the existing building and recorded prior to demolition (and during demolition if necessary). In taking down the building, all brickwork, tiles and decorative timbers will be carefully removed and will be surveyed, cleaned and salvaged where possible. Any proposed new materials will be carefully matched and the façade will be rebuilt in the same location and footprint using the detailed measured and photographic survey and as well as historical photographs.

The building is designated under the Council's Local List. Paragraph 197 of the NPPF states that *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*

Barnet policy DM06 (Barnet's heritage and conservation), specifically criterion d. deals with locally listed buildings. This states that there will be a presumption in favour of retaining all locally listed buildings in Barnet and any buildings which make a positive contribution to the character or appearance of the Borough's Conservation Areas.

In terms of its significance, its inclusion on the Local List designation is considered due to its aesthetic merits, age and rarity and intactness. No.58 formed part of the first phase of houses built along the street and this historic value forms a large part of the building's significance. In terms of its aesthetic value, the listing acknowledges that the building has an Olde English Style, being two storeys constructed with orange brick with tile hanging and half-timbered gables. It is evident that there are a number of extensions and alterations to the building have taken place over many years, with the large rear extension, vast unsympathetic porte cochere and repairs and alterations to the front façade. The building is considered to be a reasonable example of the vernacular domestic style but its aesthetic significance is limited for the reasons set out in this paragraph. In addition, the site's large period of vacant use has resulted in a deterioration of the aesthetics and the materials which does erode the site's positive contribution. Consideration also has to be given to the scope of the demolition works that were approved under the previous application and the approved new built form. In their comments on the previous application, the Council's Conservation Officer noted that the remaining structure would consist of little more than the façade and consequently the heritage value of the building would be significantly diminished.

It is considered that the taking down of the original front façade would result in the total loss of the non-designated heritage asset and this must be weighed against the proposal. In accordance with paragraph 197 of the NPPF, this harm must be weighed against the public benefits of the scheme. This will be considered further in the planning balance section of this report

The proposed rebuilt façade will closely resemble the existing building in terms of its visual appearance and its scale, massing and bulk are similar to the previously approved scheme. As such, Officers do not consider that the proposal is detrimental in that regard to the site and surrounding area. The proposed methodology of surveying the existing façade and the removed materials is considered to be acceptable and will ensure due regard is given to the existing façade and will ensure that materials can be re-used where considered possible. The proposed surveys will be sought via condition and will allow Officers to review and assess the works.

Whilst there is a presumption in favour of retaining all locally listed buildings, the majority of the non-designated asset has already been consented for demolition and Officers consider that suitable detail and justification has been provided by the applicant in regard to the dismantling of the front façade as detailed at the beginning of this section. Officers are satisfied that scheme represents a high-quality proposal and the re-built façade will be of an improved visual appearance to the current condition of the facade. Therefore, in the context of Policy DM06, the proposal is considered to be acceptable as it positively contributes to the site.

HGSTBA Conservation Area

The HGSTBA Conservation Area runs north to south from the Great North Road, Cherry Tree Hill at East Finchley to Hampstead Lane and is crossed by Lyttleton Road. The Bishops Avenue was developed in four phases which are individually characterised as Zones 1-4 within the Conservation Area Character Appraisal. The application site is located within Zone 4 which includes all of the locally listed buildings, with buildings being of a vernacular style.

It is acknowledged that the existing building has historically represented a positive contribution to the conservation area, primarily due to its age and being part of the original buildings along the street. For the reasons set out in the above section in relation to its aesthetics, the building is now considered to have a reduced positive contribution.

Barnet policy DM06 indicates that all heritage assets will be protected in line with their significance and development proposals must preserve or enhance the character and appearance of Barnet's conservation areas. Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Officers note that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The impact of the increased built form was assessed under the previous application and the assessment within this application is whether the dismantling of the existing façade and rebuilding it would have an effect on the conservation area.

Whilst the original front façade is proposed to be taking down, the reinstating of this façade will be in exactly the same footprint and location and mitigation will be secured to ensure that existing materials where possible will be reused on the rebuild facade. These will be complimented with new materials which will be closely matched, resulting in an improved visual appearance. As such Officers consider that the proposal will reinstate the site a positive contributor to the character and appearance of the conservation area.

The overall context and character of the conservation area is varied and divided into the 4 zones. The Character Appraisal summaries the street as being recognised as 'Millionaires Row' and that this part of its special character. However, it acknowledges the recent architectural expression desired by their affluent various owners, has been undermining the special character and historic interest in the conservation area. Since the Character Appraisal has been published, there has been further extensive development along the street and the overall character of Zone 4 has diminished due to the vacant and deteriorating nature of the properties in this area.

In respect of the other proposed changes, the application would result in a reduction of the overall footprint and therefore no harm is considered to the character and appearance of the conservation area in this respect.

Taking into account the previous approved works, the deterioration of the front façade, the previous comments from the Council's Conservation Officer and the intention to rebuild the front façade to closely match the original, the proposal is not considered to be harmful out of keeping with the appearance of the streetscene and thus the character and appearance of the wider conservation area. This will be considered further within the planning balance section later on within the report. As the proposal is considered to preserve the character and appearance of the character of the HGSTBA Conservation Area, it would be compliant with Barnet policy DM06.

Other elevational and internal changes

Amendments to building footprint and envelope

The overall level of floorspace would be reduced compared to the approved scheme. The layout predominately with minor exceptions follows that of the approval and as such is not considered to be significant by Officers. As such this element is found to be acceptable in

terms of design / appearance and will have no further impact on the amenity of the existing or future occupiers.

Parapet level of rear wing raised to reduce impact on tree RPA's

This comprises of a very minor increase of the parapet level and given its position on the rear wing, the visual implications will be limited. There will be no harm caused to the existing trees.

Internal reconfiguration of floor plans to suit the applicant's operational requirements

As these alterations relate to the internal configuration, Officers find them acceptable and are to the benefit of future residents and the operation of the care home.

Passenger lift added

An additional passenger lift is added to the internal plans to bring people up / down from the basement level to the upper levels. This addition is internal and has no external implications.

Open stair added between Ground Floor to Lower Ground Floor

A new open stair is proposed internally between the ground floor and lower ground floor. This additional is internal and has no external implications.

Escape stair omitted since not required for Building Regulations

A staircase is proposed to be removed from the south-east corner as it is not required for Building Regulations. This results in the reduction of built footprint is therefore considered acceptable.

Changes to fenestration to suit applicant's daylighting requirements

The windows to the new build extension elements are proposed to be larger to allow more sunlight / daylight. Officers do not consider that the amended window types have a significant impact on the appearance of the building.

Juliette balconies/balustrading replaced by normal casement windows for operational reasons

The applicant has requested that the previously approved Juliette balconies and balustrading be removed for safety and operational reasons and to be replaced by normal casement windows. Officers consider this to be acceptable and will result in a reduced level of external fittings to the building.

Brises soleil added to south facing courtyard elevation to improve environmental performance

It is proposed to fit the windows of the internally faced windows with a brises soleil. As these additions will have no visual impact out width the site, Officers find this element to be acceptable.

External render replaced with reconstituted stone facing and other changes to the typical bay detail

As detailed by the 'Revised Bay Study' drawing, it is proposed to replace the external render with reconstituted stone and the addition of bronze metal panelling. Officers consider this element to be acceptable and does not significantly affect the external appearance of the building.

Gateways to The Bishop's Avenue widened to accommodate delivery vehicles, ambulances and private refuse collection from within the site

It is proposed to widen the southern entrance by 1.67m. In order to do this, the existing pier will be removed and rebuilt as identical in appearance. Officers consider this to be acceptable and having no adverse visual impact on the street scene. The Council's Highways Officer has reviewed the submitted information and following discussions with the applicant's transport consultant, the proposed development is considered to be satisfactory on Highways ground. A maximum crossover of 4.2m will be constructed outside the southern entrance, which the applicant will need to have consented on S184 of the Highways Act 1980. Vehicle tracking has been submitted and approved which demonstrates that refuse/delivery vehicles can safely access the site and there will be a one-way system through the site with the entrance to the south and exit to the north.

Sections of the front boundary to be taken down and rebuilt

The submitted Heritage Report states that sections of the front boundary treatment are in a poor condition and proposes that depending on the structural condition of the wall, sections may need to be taken down and rebuilt. The submitted Landscape Hard Details plan illustrates that the wall and railings will be made good to follow the character of the existing. Further details of the condition of the boundary treatment and any mitigation works will be sought via a condition. However, officers do not raise an objection in principle subject to any rebuilding reflecting the existing materials.

Substation, generator, covered cycle store, refuse store and buggy store added externally

It is proposed to erect a new substation building adjacent to the southern entrance. It would be single-storey in scale and constructed in materials to match the existing building. It is acknowledged that this will be a new visual addition within the street scene, however its scale is considered to be appropriate and will not have a prominent impact on the site or the street scene. It is also acknowledged that there are also a number of existing substations and enclosures located along the street.

The building would be sited with the RPA of tree T6 which the submitted Arboricultural Report advised was the only suitable location. Upon request the applicant has provided further explanation for the proposed siting in this location. There are a number of strict requirements from UK Power Networks on the location of any substation and due to the need for it to have a clear vehicular access, it needs to be at the front of the site.

The substation would be located 6.5m from the tree at its closest point with the proposed substation occupying 3.4% of the total RPA. The applicant has provided further justification in that they consider that the proposed level of incursion at the distance proposed is likely to only affect a small number of significant roots. The proposed works will be undertaken with arboricultural supervision to assess and prune the affected roots to establish the sum impact of the works. The Arboricultural Report does not consider that the works will have a significant impact on the long-term health and stability of the tree.

A new generator and enclosure is proposed to the rear of the building along the northern building. The enclosure would be constructed with timber post and timber fence panels. As this is located towards the very rear of the site, it is considered to have limited visual impact.

A new cycle and refuse store is proposed along the northern boundary which again would be of timber construction. It is considered that these structures are minor in scale and would not have any significant visual impact.

A new buggy store is proposed internally adjacent to the above cycle and refuse store. As this is internal, it has no external implications other than the addition of a door to the elevation. This is considered to be acceptable.

5.4 The Planning Balance

In accordance with the NPPF, the harm identified to the significance of the non-designated heritage asset should be weighed against the public benefits of the proposal and also having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, when considering the impact of a proposed development on the significance of a designated heritage asset, such as the conservation area, great weight should be given to the asset's conservation.

The harm identified as a result of this proposal is:

- taking down of the existing front façade being a non-designated heritage asset previously retained under the original planning permission.
- the loss of original front façade fabric being a non-designated heritage asset and of historic importance within the HGSTBA Conservation Area.

In the terms of the NPPF framework, this would represent less than substantial harm to the significance of the designated heritage aspect through the total loss of the non-designated heritage asset. As state above, special attention should be given to the desirability of preserving or enhancing the character and appearance of that area. In line with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal.

The proposed benefits of the scheme are:

- The reinstatement of the front façade will remove the existing deteriorated materials and replace them on a similar basis which will result in a considerably improved visual appearance;
- This is also considered to improve the visual appearance of the site, the street scene and the conservation area;
- Increased certainty that the care home site will be brought forward as it will better suit the operational requirements of the care home operator;
- The proposed amendments will enable a high-quality development on the site to come forward;
- The scheme will support the local economy in terms of construction jobs, providing specialist accommodation within the Borough and will encourage neighbouring vacant sites to come forward in the street;

With the original application, Officers gave significant weight to the current state and decline of this area of The Bishops Avenue and that intervention was required to ensure the street is revitalised. The approved scheme was considered by Officers to be of a high quality both in architectural terms and provision of a care facility. Harm was previously identified through

the majority demolition of the building and the amount of new built form and the Council's Conservation Officer previously commented that the works approved by the previous permission would result in their opinion, the building being removed from the Council's local list. However, as a result of the positive benefits brought forward, this was considered to outweigh the harm to the locally listed building and the less than substantial harm to the character and significance of Zone 4 of The Bishops Avenue Conservation Area.

Building on the above, Officers are keen to ensure that the site is brought forward and it is acknowledged that the proposed alterations / amendments enable the scheme to be more viable in a more practical and efficient manner. As a result of proposal, the applicant's commitment to the redevelopment of the site is strengthened.

Whilst it is accepted the previously retained front façade will be replaced, this is considered to result in an improved external appearance to the site as the façade will be of a higher quality than existing and will reflect closely the appearance of the original building. Overall, the scheme proposed is of a high-quality which will positively add to the conservation area through the site's revitalisation.

Having taken into account all of the material considerations, Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Officers note that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard, whilst less than substantial harm would be caused, it is considered that the public benefits do outweigh the harm from the loss of the non-designated heritage asset and to the significance of the HGSTBA Conservation Area.

The Proposal is therefore acceptable having regard to the provisions of the NPPF, Barnet policy DM06 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

5.5 Response to Public Consultation

- The principle of development and the associated impacts for the site as a care home was previously considered under the original application, this application does not propose to materially alter the approved use, coming and goings etc.
- The fire strategy for the site will be considered at Building Regulations stage
- The increased height only relates to the parapet wall and does not increase the overlooking opportunities to the west. There is significant landscaping along the western boundary which screens both sides.
- The surface and foul water drainage proposals were previously assessed by the Council's Drainage consultants who raised no objections.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that there is level of harm to the existing locally listed building and conservation area by virtue of the built form and land-use, however, the proposed development would be of a high quality and would

contribute to the improvement of the visual appearance of the site which has been vacant and deteriorating for a considerable number of years. In addition, it would provide a high-class facility for a local disadvantaged group and will provide increased employment locally. This application is therefore recommended for approval subject to suitable conditions.

